

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 996 Session of 2021

INTRODUCED BY DAVANZO, T. DAVIS, HENNESSEY, HILL-EVANS, JONES, KAUFFMAN, MALONEY, MASSER, MERSKI, MILLARD, PICKETT, ROWE, RYAN, SAYLOR, WARNER, WHEELAND, ZIMMERMAN, GILLEN AND DOWLING, MARCH 23, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 25, 2021

AN ACT

1 Providing for access to long-term care facilities for members of
2 the clergy, for additional safety requirements for residents,
3 for suspension of access for members of the clergy and for
4 personal protective equipment for members of the clergy.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Religious
9 Liberty in Long-Term Care Facilities Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Declaration of disaster emergency." A disaster emergency
15 declared by the Governor under 35 Pa.C.S. § 7301(c) (relating to
16 general authority of Governor).

17 "Department." The Department of Health of the Commonwealth.

1 "Lock-down phase." A period of time a long-term care
2 facility restricts visitation from the general public to
3 residents of the facility.

4 "Long-term care facility." A facility licensed by the
5 department or the Department of Human Services, including, but
6 not limited to, a long-term care nursing facility, a skilled
7 nursing facility, an assisted living facility, OR a personal <--
8 care home. ~~or an independent long term care facility.~~ <--

9 "Member of the clergy." A clergyman, priest, rabbi,
10 minister, Christian Science practitioner, religious healer or
11 spiritual leader of any regularly established church or other
12 religious organization.

13 "Resident." An adult with established residency in a long-
14 term care facility.

15 Section 3. Access to long-term care facilities for members of
16 the clergy.

17 The department, in consultation with the Department of Human
18 Services, shall establish protocols to allow a resident or an
19 individual with decision-making authority for the resident to
20 request visitation by a member of the clergy during a
21 declaration of disaster emergency. A member of the clergy shall
22 meet the necessary qualifications to enter the long-term care
23 facility to provide in-person physical or emotional support to a
24 resident of a long-term care facility on a voluntary basis and
25 in accordance with the protocols established under this section.
26 The department may update the protocols established under this
27 section at any time during the disaster emergency. The
28 department may not update the protocols established under this
29 section to expand the duration of the lock-down phase under
30 paragraph (2) for a time period exceeding 45 days. The protocols

1 shall include all of the following:

2 (1) Safety measures for members of the clergy,
3 including, but not limited to, restrictions on travel,
4 enhanced testing for communicable diseases and the necessary
5 safety equipment required to protect the health and safety of
6 the residents and staff of the long-term care facility.

7 (2) A duration, set by the department, in consultation
8 with the Department of Human Services not to exceed 45 days,
9 when a long-term care facility may enter a lock-down phase
10 during which the long-term care facility may exclude members
11 of the clergy for the purpose of establishing safety measures
12 for residents and members of the clergy.

13 Section 4. Additional safety requirements for residents.

14 A long-term care facility may establish additional safety
15 requirements to protect the residents, including limitations on
16 the duration of the visits, the number of visitors per week per
17 resident, the location of visits and the spacing of visitors.

18 The requirements under this subsection shall meet all of the
19 following criteria:

20 (1) The requirements are directly linked to a
21 declaration of disaster emergency.

22 (2) The requirements are not so burdensome and onerous
23 as to substantially prevent a member of the clergy from being
24 able to visit a resident in person.

25 Section 5. Suspension of access for members of the clergy.

26 A long-term care facility may suspend access to a member of
27 the clergy who violates the protocols established under section
28 3, and the long-term care facility shall allow the resident, or
29 an individual with decision-making authority for the resident,
30 to immediately request another member of the clergy.

1 Section 6. Personal protective equipment for members of the
2 clergy.

3 A long-term care facility may require a member of the clergy
4 to provide personal protective equipment for himself or herself
5 or assume the cost of the personal protective equipment provided
6 by the facility to allow the member of the clergy to access the
7 long-term care facility. Personal protective equipment provided
8 by the long-term care facility may not reduce the personal
9 protective equipment available to the employees and staff of the
10 long-term care facility.

11 Section 7. Applicability.

12 This act shall apply for the period commencing 15 days after
13 a declaration of disaster emergency that results in a lock-down
14 phase of long-term care facilities until 60 days after the
15 termination or expiration of the declaration of disaster
16 emergency by executive order, proclamation or operation of law.

17 Section 8. Construction.

18 Nothing in this act shall be construed to:

19 (1) prohibit or restrict long-term care facilities from
20 allowing members of the clergy to visit residents in a manner
21 deemed appropriate by the long-term care facilities before
22 the effective date of section 3; or

23 (2) supersede Federal authority regarding long-term care
24 facilities or to prevent the department or Department of
25 Human Services from taking necessary actions to render the
26 Commonwealth eligible for Federal funds or reimbursement
27 services provided in long-term care facilities.

28 Section 9. Effective date.

29 This act shall take effect in 60 days.